

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference ST02042WO2	IMPORTANT DECLARATION	Date of mailing(day/month/year) 03/06/2005
International application No. PCT/US2004/028926	International filing date(day/month/year) 02/09/2004	(Earliest) Priority date(day/month/year) 02/09/2003
International Patent Classification (IPC) or both national classification and IPC G01S1/00		
Applicant SIRF TECHNOLOGY, INC.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
☒ the claims
☒ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.
 ☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:

Name and mailing address of the International Searching Authority



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No Meaningful Search Possible

The International search authority considers, pursuant to Art. 17(2)(a)(ii) PCT, that the description fails to comply with the prescribed regulations of the treaty to such a degree that a meaningful search cannot be carried out.

1 Reasoning

1.1 According to Art. 5 PCT, the description shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by the man skilled in the art.

1.2 Apart from the title, the application contains the following sections:

- A: Related applications
- B: Background
- C: Brief description of the Drawings
- D: Detailed description
- E: Claims. 51 claims are present of which claims 1, 32, 43 and 51 are independent.

1.2.1 Sections A, B and D relate to Rules 5.1(a)(i), Rules 5.1(a)(ii) and Rules 5.1(iv) PCT respectively. However, there is no section corresponding to Rule 5.1(a)(iii) PCT, i.e. it appears, prima facia, that the description fails to disclose the invention, as claimed, in such terms that the technical problem and its solution can be understood. The description specifies in great detail a GPS system, but fails to state the advantageous effects thereof with reference to any specific background art.

1.2.2 Section B refers in a general manner to wireless devices such as cellular phones and GPS and notes the desire on the part of manufactures of a wide variety of products to insert GPS hardware and software into their product designs whereby the GPS hardware and software must be as economical as possible in its demands for memory and power, which amounts to a general endeavour in this technical field. The applicant further notes that this requires a series of choices among speed, size, power usage, etc. Section B gives therefore rise to the impression that the applicant desires to insert GPS hardware and software into other wireless devices. This seems to be corroborated by [0837] of the description according to which a system according to the "present" invention comprises a GPS receiver and at least one sensor. According to [0838] and [0839], in order to cope with reception conditions specified, the invention allows for multiple modes of operation depending on various factors, e.g. a "network aided mode" or "network based mode". It is clearly stated that

"GPS system of the present invention can switch between these modes of operation based on several variables, as well as user-selected preferences or demands, and can switch either via local or remote control, or via either automatic or manual commands given to the GPS system."

However, the body of section D ([0133]-[0836]) pertains to a GPS method and system as such, i.e. not to any other electronic system with a GPS system inserted. This part of the description, too, fails to

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identify a specific piece of prior art which could have given a clue concerning such insertion. Having regard to the fact that the stated invention relates to an electronic system with a GPS system inserted, it is evident that the description of only a GPS system and method in the body of section D does not comply with the requirement of Rule 5.1(v) (to set forth at least the best mode contemplated by the applicant for carrying out the invention, i.e. an electronic system with a GPS system inserted).

1.3 The statement of paragraph [0844]

"Aspects of the embodiments described herein can be modified, if necessary, to employ the systems, functions and concepts of the various patents and applications described above to provide yet further embodiments of the GPS system."

brings the nature of the disclosed "invention" into further doubt.

1.4 It is noted, furthermore, that none of the claims specifies an electronic system with a GPS system inserted, i.e. the claims do not properly reflect the invention indicated (but insufficiently specified) in the description (Art. 6 PCT, second sentence). Moreover, the claims do not specify the technical features with which the proper functioning of the electronic system with a GPS system inserted are accomplished as required by Rule 6.3(a) PCT.

It is, hence, impossible to perform a meaningful search. These findings are enhanced by the points set out below.

2 Further Observations

2.1 In Box VI of the PCT Request, the applicant claims three US priorities, whereas on page 1 of the description the applicant claims a total of 44 priorities of which none corresponds with the priority claimed in the PCT request. The applicant is accordingly requested to check these inconsistencies and provide explanations.

2.2 In many block diagrams, the functional blocks are standing alone without any interconnection (e.g. figures 2, 5 and 8).

2.3 On page 43, reference is made to chipset data-sheets for more detail. As is clear from Rule 5 PCT, the description must be complete. Any reference to matter which cannot be published has therefore to be deleted pursuant to Rule 9(iv) PCT.

2.4 A short description of figure 60 is missing.

2.5 Having regard to the wealth of description and the abundance of figures, the claims must contain reference numerals as prescribed by Rule 6.2(b) PCT.

2.6 Having regard to the fact that the electronic systems specified in independent claims 1, 32, 43 and 51 have many constituent parts in common and having regard to the fact that claims 32 and 43 are almost identically worded and have the broadest scope, claim 43 must be deleted and claims 1 and 51 should be made dependent on claim 32 (Art. 6, second sentence; Rule 6.1(a) PCT). The claims should be renumbered in keeping

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with the requirements of Rule 6.1(b) PCT. In this respect, attention is also drawn to claims 49 and 50.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

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